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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,731	05/20/2004	Scott A. Mollema	AM1133.2.C1	7341
24123	7590	06/23/2006	EXAMINER	
ALTICOR INC. 7575 FULTON STREET EAST MAILCODE 78-2G ADA, MI 49355			VO, TUYET THI	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/849,731

Applicant(s)

MOLLEMA ET AL.

Examiner

Tuyet Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 12-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/30/06 & 4/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

Applicant's arguments filed April 10, 2006, with respect to the rejection(s) of claim(s) 1-15 are not persuasive due to a new ground of rejection provided as follow.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Iida et al. (US Pat. 4,520,294), hereinafter Iida.

Iida discloses a starting circuit constructed in different manners for a gas discharge lamp (1), in that the simplest starting circuit shown in figure 1 comprises at least one switch (2) located in the gas discharge lamp (1);

a resistor function as a control unit (3) operable for opening or closing a thermal switch (2) at a predetermined of time; wherein the predetermined of time based upon a duration time cooling off the resistor's temperature. In other words, temperature of resistor (3) would effect the conducting time of the thermal switch (2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurek in view of Iida (US Pub. 2003/0160574).

Jurek discloses a lamp igniter (18) for a gas discharge lamp comprising a magnetic switch (56) coupled to a bulb (12) of the gas discharge lamp and an electromagnet (54) as a control unit for controlling/actuating the magnetic switch (56) in a predetermined time (col. 6, lines 1-27).

However, Jurek lacks to mention the magnetic switch (56) being assembled closed to a bulb (12) within a housing of the discharge lamp. The missing in Jurek is fulfilled by Iida's lighting device in that an igniter (6) including a switch (18 in Fig. 11) arranged within housing of the discharge lamp (8) in order to protect electronic components free of undesired environment while building a lighting device in a compact size. Such implementation is considered as a routine skill in the art.

5. Claims 4, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurek in view of Iida applied toward claims 1, 3 and 9 and further in view of Seok et al. (US Pat. 5,768,898), hereinafter Seok.

Jurek in view of Iida discloses substantially the claim invention as noted above except for A magnetic switch connected in series with two electrodes of a discharge tube and programmable microprocessor connected to an electromagnetic as claim invention.

Seok discloses a starter assembly (Fig. 3) for a gas discharge fluorescent lamp (39), comprising at least one magnetic switch (22) connected in series between two filaments (37, 38) of the fluorescent lamp (39); and

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a microcomputer (19) electrically connected to an electromagnet (22) for closing the magnetic switch (22) which is normally in opened position, wherein the microcomputer actuates the magnetic switch (22) for a predetermined length of time (col. 4, lines 20-42), wherein the predetermined of time based upon a duration time of refrigerator opening.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a microprocessor/microcomputer to control the electromagnetic in series with the lamp tube as taught by Seok lighting circuit into the combination of Jurek and Iida lighting device in order to extend the ability of control the lamp activation in a desired manner. Such improvement is considered as a routine skill in the art.

Allowable Subject Matter

6. Claims 5-8 and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior fails to establish the control unit is a programmable processor for receiving a first preheat time for the gas discharge lamp as required in claims 5 and 12.

Citation of pertinent prior art

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Hammer et al. (US Pat. 4,914,354) discloses reactor type ballast circuit.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571 272 1740. The fax phone numbers for the organization where this application or proceeding is assigned are 571 273 8300 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 2800.

Information regarding the status of an application or status information for publicizing/unpublicizing applications may be obtained from the Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at toll free 866-217-9197.



Tuyet Vo

Primary Examiner

June 18, 2006